

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
SW/S Volz Avenue, 190 ft. +/-
SE of Eastern Avenue * ZONING COMMISSIONER
8 Volz Avenue
15th Election District * OF BALTIMORE COUNTY
5th Councilmanic District
Richard David Volz * Case No. 96-419-A
Petitioner

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for the property located at 8 Volz Avenue in eastern Baltimore County. The Petition is filed by Richard David Volz, property owner. Variance relief is requested from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (BCZR) to allow a side yard setback of 5 ft. and a rear yard setback of 21 ft., for a proposed dwelling, in lieu of the minimum required 10 ft. and 50 ft., respectively. The subject property and requested relief is more particularly shown on Petitioner's Exhibit No. 1, the plat to accompany the Petition for Variance.

Appearing at the public hearing held for this case was Richard David Volz, property owner. There were no Protestants or other interested persons present.

An examination of the site plan shows that the subject property is a rectangularly shaped parcel, zoned B.L.-C.N.S. The property is located near Eastern Avenue and Martin Boulevard in eastern Baltimore County. The property is .12 acres in area. Presently the site is improved with an existing dwelling which is dilapidated and will be razed. Mr. Volz testified that the property has been in family's ownership for many years. He wishes to raze the existing dwelling and construct a new dwelling in its place. The proposed dwelling is 24 ft. in width and 40 ft. in depth.

In view of the irregular shape of the lot, the requested variances are necessary. As show on the site plan, a 5 ft. side yard setback will

ORDER RECEIVED FOR FILING

Date

By

MICROFILMED

be maintained. This portion of the lot abuts property owned by the Baltimore Gas and Electric Company and utilized as a sub-station. Mr. Volz indicated that there was an additional 30 ft. of buffer area between that use and the property line.

To the rear, the property owner will maintain a 21 ft. setback. As is the case with the side yard setback, this variance is necessary because of the irregular shape of the property and the tapered property line.

Based upon the testimony and evidence offered, all of which is uncontradicted, I am persuaded to grant the Petition for Variance. In my judgment, the Petitioner has complied with the provisions of Section 307 of the B.C.Z.R. as construed by the case law. I am convinced that the unique shape of the property renders the relief appropriate and that strict compliance with the regulations would result in a practical difficulty upon the property owner. Moreover, the relief can be granted without detriment to the surrounding locale.

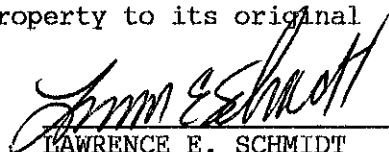
Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

OFFICE RECORDED & FILED
Date 6/12/96
By M. G. Gosh

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 12th day of June, 1996 that a variance from Section 1B02.3.C.1 of the Baltimore County Zoning Regulations (BCZR) to allow a side yard setback of 5 ft. and a rear yard setback of 21 ft., for a proposed dwelling, in lieu of the minimum required 10 ft. and 50 ft., respectively, be and is hereby GRANTED, subject, however, to the following restriction:

1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever

reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES/mmn

6/12/96
M. Gark

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

June 6, 1996

Mr. David Volz
306 Fairwind Drive
Baltimore, Maryland 21220

RE: Case No. 96-419-A
Petition for Zoning Variance
Property: 8 Volz Avenue

Dear Mr. Volz:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3353.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Lawrence E. Schmidt", is written over a horizontal line.

Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
att.

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Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 8 VOLZ AVE.

96-419-A

which is presently zoned BL-CNS

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1B02.3.C.1

To allow a side yard setback of 5 ft. and a rear yard setback of 21 ft. (for a proposed dwelling) in lieu of the minimum required 10 ft. and 50 ft., respectively.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

PROPERTY CANNOT BE BUILT ON UNDER CURRENT SETBACK RESTRICTIONS - CURRENT home is UNINHABITABLE & is to be TORN DOWN & REPLACED.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City

State

Zipcode

Attorney for Petitioner

(Type or Print Name)

Signature

Address

Phone No.

City

State

Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

RICHARD DAVID VOLZ

(Type or Print Name)

Richard D. Volz

Signature

(Type or Print Name)

Signature

306 FARWIND DR.

Address

780-0999 (Wor)

574-4661 (Hom)

Phone No

BALTO.

City

MD.

State

21220

Zipcode

Name, Address and phone number of representative to be contacted

Name

Address

Phone No

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: _____ DATE _____



Printed with Soybean Ink
on Recycled Paper



420
MICROFILMED

FRANK S. LEE

Registered Land Surveyor

1277 NEIGHBORS AVE. — BALTIMORE, MD. 21237

March 15, 1996

No. 8 Volz Avenue

15th District Baltimore County, Maryland

Beginning for the same on the southwest side of Volz Avenue (30 feet wide) at the distance of 190 feet measured southeasterly along the southwest side thereof from the southeast side of Eastern Avenue, thence running and binding on the southeast side of Volz Avenue South 40 degrees 16 minutes 30 seconds East 58.98 feet, thence running for three lines of division as follows: South 64 degrees 31 minutes 30 seconds West 124.18 feet, North 40 degrees 16 minutes 30 seconds West 27.03 feet and North 49 degrees 43 minutes 30 seconds East 120 feet to the place of beginning.

Containing 0.12 acres of land more or less.

MICROFILMED



CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland
96-449-14

District 132D

Date of Posting 5/18/96

Posted for:

Variano

Petitioner:

Richard Polz

Location of property:

81012 Ave.

Location of Sign:

Facing 7701 1/2 Ave on property being zoned

Remarks:

Posted by

Signature

Date of return:

5/24/96

Number of Signs:

1

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NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property located herein in Room 106 of the County Office Building, 111 W. Cross-packer Avenue, in Towson, Maryland 21204, at Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204, as follows:

Case: #96-419-A
(Item 429)

8 Veltz Avenue
SWS Veltz Avenue, 190 1/2 SE of Eastern Avenue
15th Election District
5th Courthouse

Legal Owner(s):

Richard David Veltz

Variance: to allow a side yard setback of 21 feet (for a proposed dwelling) in lieu of the minimum required 10 feet and 50 feet, respectively.
Hearing: Tuesday, June 4, 1996 at 11:00 a.m. in Rm. 118, Old Courthouse.

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Call 887-3353.

(2) For information concerning the file and/or Hearing, Please Call 887-3391.

5/1/96

May 9 030582

CERTIFICATE OF PUBLICATION

TOWSON, MD., 5/9, 1996

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 5/9, 1996.

THE JEFFERSONIAN,

A. H. Enid
LEGAL PUBLISHED TOWSON

11002779027

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

Item
420

107607

DATE 4/26/96 ACCOUNT K-001 6150

96-419-A

AMOUNT \$ 85.00

RECEIVED FROM: MA. VALZ - OWNER

4010 - 1st det. of Vehicle & Reg. Fee. \$50.00

4080 - Sign & Posting

FOR: _____

\$10.00

Total \$85.00

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER

VALIDATION OR SIGNATURE OF CASHIER

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Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighbor property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
 - 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.
- NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 420

Petitioner: _____

Location: _____

PLEASE FORWARD ADVERTISING BILL TO:

NAME: RICHARD KALZ

ADDRESS: 306 FARWIND DRIVE

BALTIMORE MD 21220

PHONE NUMBER: 574-4661

Ad. 0000

MICROFILMED

TO: PUTUXENT PUBLISHING COMPANY
May 9, 1996 Issue - Jeffersonian

Please forward billing to:

Richard Volz
306 Farwind Drive
Baltimore, MD 21220
574-4661

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-419-A (Item 420)
8 Volz Avenue
SW/S Volz Avenue, 190'+/- SE of Eastern Avenue
15th Election District - 5th Councilmanic
Legal Owner(s): Richard David Volz

Variance to allow a side yard setback of 21 feet (for a proposed dwelling) in lieu of the minimum required 10 feet and 50 feet, respectively.

HEARING: TUESDAY, JUNE 4, 1996 at 11:00 a.m. in Room 118, Old Courthouse.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

MICROFILMED



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

May 3, 1996

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-419-A (Item 420)
8 Volz Avenue
SW/S Volz Avenue, 190'+/- SE of Eastern Avenue
15th Election District - 5th Councilmanic
Legal Owner(s): Richard David Volz

Variance to allow a side yard setback of 21 feet (for a proposed dwelling) in lieu of the minimum required 10 feet and 50 feet, respectively.

HEARING: TUESDAY, JUNE 4, 1996 at 11:00 a.m. in Room 118, Old Courthouse.

Arnold Jablon
Director

cc: Richard David Volz

- NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

MICROFILMED





Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

May 30, 1996

Mr. and Mrs. Robert Bench
14 Nassau Point
Somerville, N.J. 08876

RE: Item No.: 418
Case No.: 96-420-A
Petitioner: R. Bench

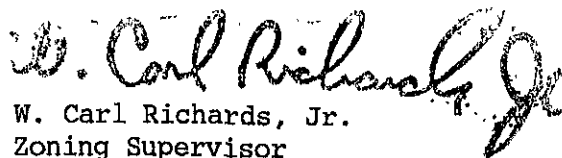
Dear Mr. Bench:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on April 26, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,


W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)

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PETITION PROBLEMS

#410 --- RT

1. Notary section is incomplete/incorrect.

#412 --- JJS

1. No title for person signing for legal owner.

#415 --- MJK

1. Is a violation - should not be filed as "administrative".

#416 --- JLL

1. No telephone number for legal owner.
2. No councilmanic district on folder.

#418 --- MJK

1. No original signatures on petition form.

#419 --- MJK

1. No original signatures on petition form.

#420 --- JJS

1. No review information on bottom of petition form.

#422 --- MJK

1. Need title of person signing for legal owner.
2. Need authorization for person signing for legal owner.
3. Need telephone number for legal owner.
4. Need attorney's signature.

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April 30, 1996

10

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Permits and Development
Management

DATE: May 2, 1996

FROM: Pat Keller, Director
Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item Nos. 410-416 and 418-420 and 421 *9W-2*

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3495.

Prepared by:

Jeffrey W. Long

Division Chief:

Gary L. Kerns

PK/JL

Baltimore County Government
Fire Department



700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410) 887-4880

DATE: 04/16/96

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF MAY 06, 1996.

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 410, 411, 413, 414, 415, 416,
417, 418, 419, 420, 421 AND 422.

1996

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

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BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: PDM

DATE: 5-15-96

FROM: R. Bruce Seeley
Permits and Development Review
DEPRM

SUBJECT: Zoning Advisory Committee
Meeting Date: May 6, 1996

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

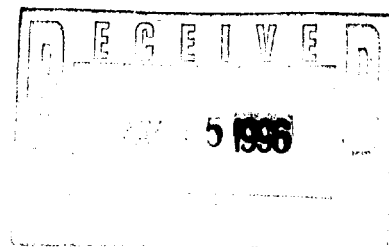
Item #'s:

410
411
412
413
414
415
416
417

420
421
422

RBS:sp

BRUCE2/DEPRM/TXTSBP



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Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Hal Kassoff
Administrator

5-1-96

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 420 (JJS)


Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-545-5581 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

for 
Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

MICROFILMED

RE: PETITION FOR VARIANCE

8 Volz Avenue, SW/S Volz Avenue, 190'+/-
SE of Eastern Avenue, 15th Election
District, 5th Councilmanic

Richard David Volz
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 96-419-A

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

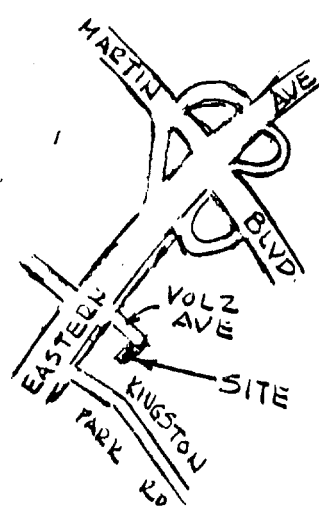
I HEREBY CERTIFY that on this 6th day of June, 1996, a copy of the foregoing Entry of Appearance was mailed to Richard David Volz, 306 Farwind Drive, Baltimore, MD 21220, Petitioner.

Peter Max Zimmerman

PETER MAX ZIMMERMAN

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Owner: Richard D. Volz
 site: #8 Volz Ave.

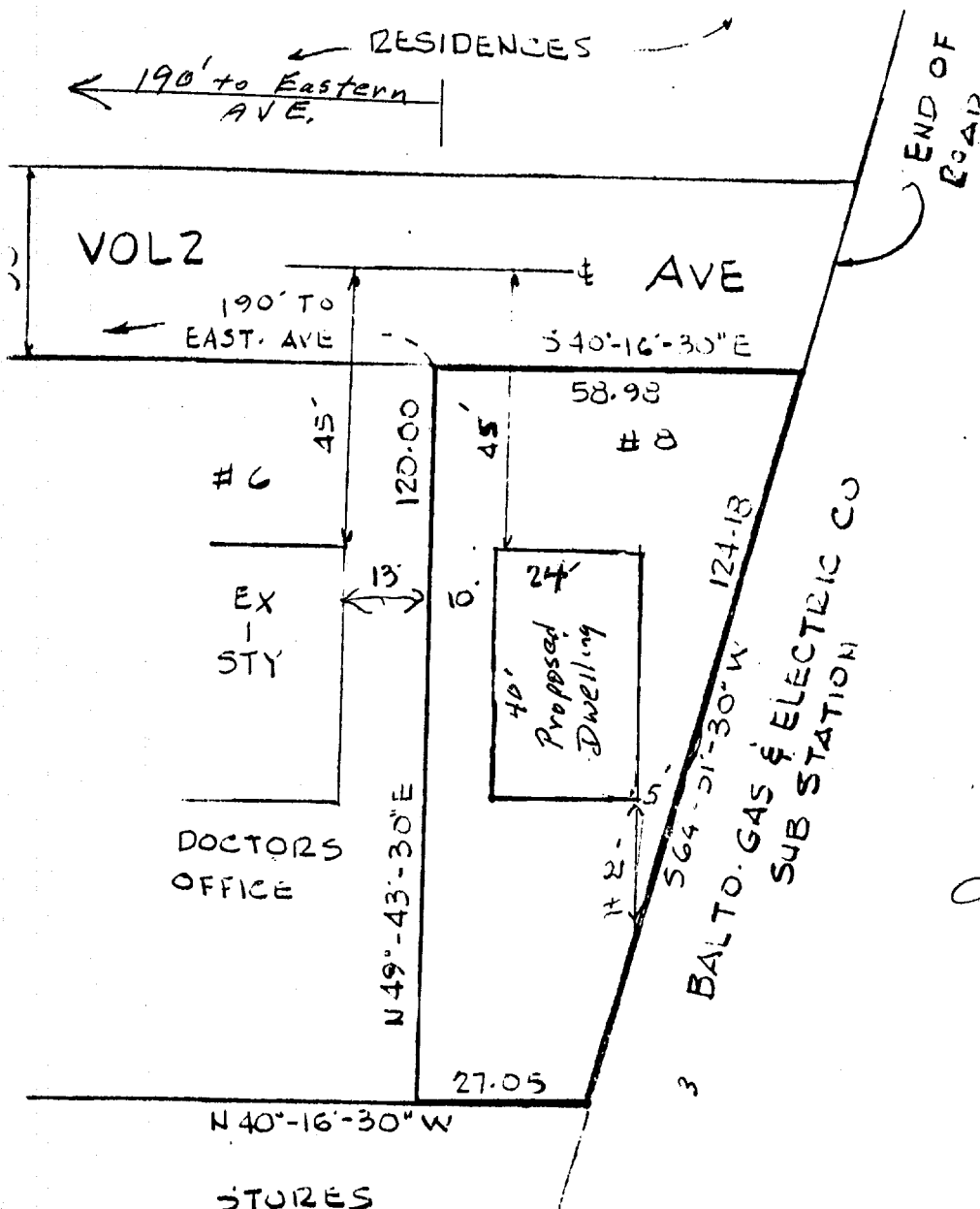


LOCATION MAP
 SCALE 1" = 1000'

[Signature]

OWNER

96-419-A



OUNCILMANIC DIST. 5
 EED REF. 10635-083
 X-ZONING - BL-CNS
 AREA OF LOT = 0.12 AC ± - 5136.44 ±
 PUBLIC WATER & SEWER SERVICE LOT
 NO Prior Zoning Hearings on Site
 PLAT TO ACCOMPANY PETITION FOR A SIDE
 AND VARIANCE, 5' IN LIEU OF THE REQ. 10'
 Election
 5TH DISTRICT BALTIMORE CO, MARYLAND
 SCALE 1" = 30'
 DATE 3-15-96

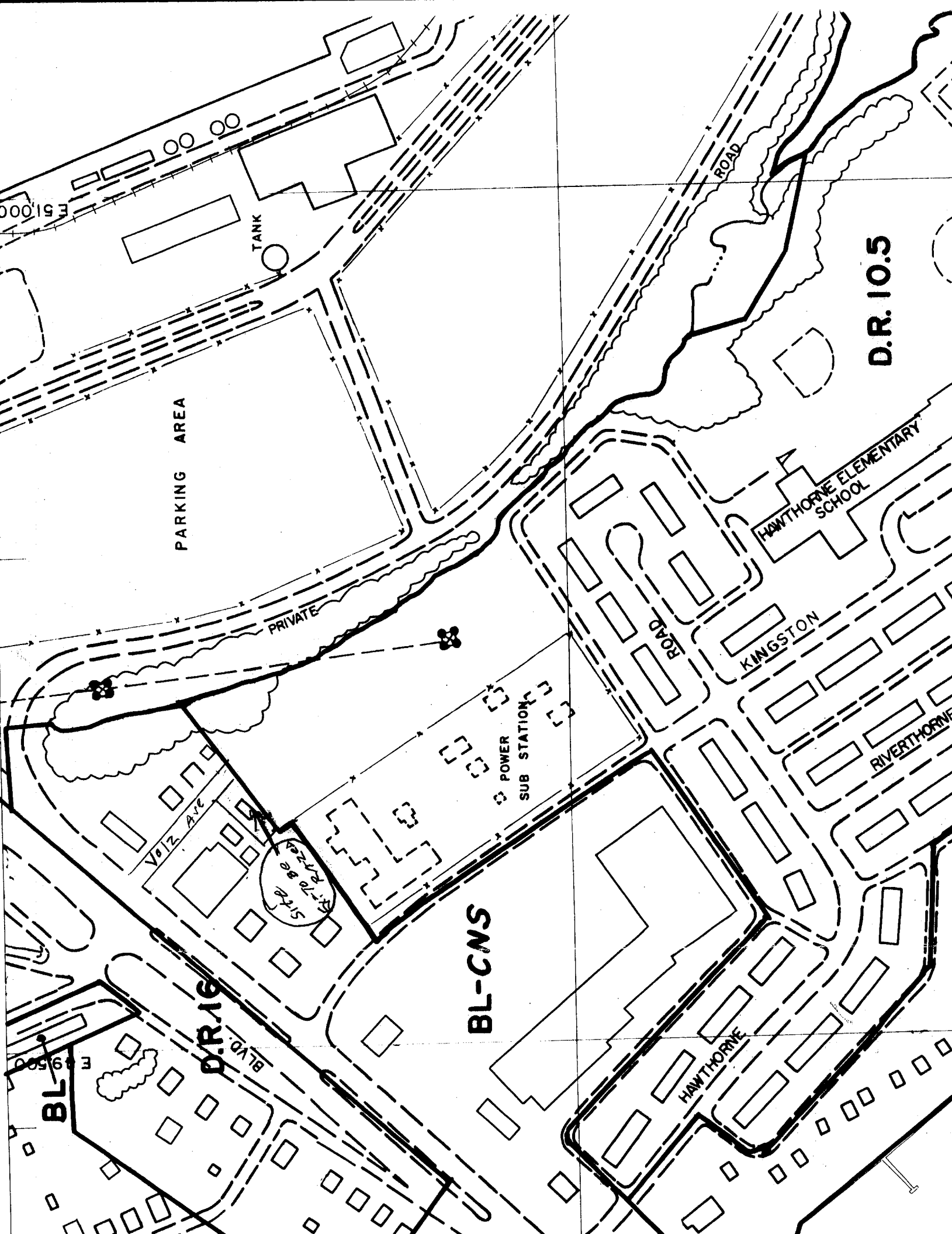
Plat altered for
 ZONING PURPOSES
 (VARIANCE)
 PETITION



Item
 # 420

MICROFILMED

FRANK S. LEE
 1277 NEIGHBORS AVE.
 BALTIMORE, MD. 21237



PARKING AREA

TANK

PRIVATE

POWER
SUB STATION

HAWTHORNE ELEMENTARY
SCHOOL

KINGSTON

RIVERTHORNE

HAWTHORNE

D.R. 10.5

BL-CNS

D.R. 16

BLVD.

V8 1/2 Ave

Site 80
Kings 80

BL-10000

IN RE: PETITIONS FOR VARIANCE - SE/S * BEFORE THE
Pulaski Highway, 250' and 50' W * ZONING COMMISSIONER
of the c/l of Rosedale Avenue * OF BALTIMORE COUNTY
(7801 & 7803 Pulaski Highway) * Case Nos. 96-420-A & 96-421-A
15th Election District
7th Councilmanic District
Robert Bench, et ux
Petitioners * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as combined Petitions for Variance for the adjoining properties known as 7801 and 7803 Pulaski Highway, located in the vicinity of Chesaco Avenue in Rosedale. The Petitions were filed by the owners of the properties, Robert Bench, Sr. and his wife, Carolyn Bench. In both cases, the Petitioners seek relief from Section 255.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) (Sections 243.1 and 243.2) to permit side setbacks of 5 feet in lieu of the required 50 feet and to permit varying front setbacks of as little as 50 feet in lieu of the required 75 feet, to legitimize the existing structures on the site. In addition, the Petitioners seek relief to permit varying side setbacks of as little as 40 feet in lieu of the required 50 feet for the existing structure at 7803 Pulaski Highway. The subject properties and relief sought are more particularly described on the respective site plans submitted which were accepted and marked into evidence as Petitioner's Exhibits 1.

Notice of the public hearing scheduled in these matters was properly posted and advertised. Appearing at the hearing on behalf of the Petitions was Timothy W. Wolfe, Professional Engineer with Spotts, Stevens and McCoy, who prepared the site plans for these properties. There were no Protestants or other interested parties present.

Testimony and evidence offered revealed that the subject proper-

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Date 6/18/96
By [Signature]

MICROFILMED

ties are located adjacent to one another on the southeast side of Pulaski Highway, at its intersection with Rosedale Avenue in Rosedale. The property known as 7801 Pulaski Highway (Lot 1) consists of 1.282 acres, more or less, and is improved with a one-story block warehouse building. The adjoining property, known as 7803 Pulaski Highway (Lot 2), is an irregular shaped corner lot which the side property line thereof runs in a southerly, diagonal direction along Redhouse Run. This somewhat smaller lot consists of 0.812 acres, more or less, and is also improved with a one-story brick and block warehouse building. Both properties are zoned M.L.-C.S.-1, with a small portion to the rear of Lot 1 zoned M.L.- I.M. On behalf of the Petitioners, Mr. Wolfe testified that the subject lots were formerly considered a single parcel of property and were conveyed to the Petitioners under one deed. However, the Petitioners now wish to subdivide the property to create two separate lots as shown on the site plan. The proposed subdivision is being undertaken so that the Petitioners can sell one of the lots to an interested buyer and retain the second lot.

The 5-foot setback requested in both cases relates to the proposed line of division and the placement of the existing buildings on each lot. Mr. Wolfe testified that the buildings are approximately 11 feet apart. The line of division will separate the two buildings and provide an approximately 5-foot setback on either side of the new property line. Both buildings are also set back from Pulaski Highway a distance of 50 feet. The variance relief is requested to legitimize this condition, in view of the 75-foot front setback required. The variance for a 40-foot side setback relates only to the property at 7803 Pulaski Highway. As noted above, that lot is irregularly shaped as is the building constructed thereon. The southeastern corner of the building is tapered to accommodate

ORDER RECEIVED FOR FILING
Date 6/15/66
By [Signature]

the property line and the existence of Redhouse Run immediately adjacent thereto. A 40-foot setback in lieu of the required 50 feet is required.

Based on the testimony and evidence offered, all of which is uncontradicted, I am persuaded to grant the Petition for Variances. It is clear that relief can be granted without detriment to the neighborhood. In this regard, the subject buildings were constructed nearly 40 years ago and have been utilized in their current fashion for many years. Moreover, the practical difficulty is created by virtue of the proposed subdivision of the property and the location of the existing structures thereon. For all of these reasons, the relief requested should be approved.

It is of final note that there were no adverse comments from any of the member reviewing agencies of the Zoning Plans Advisory Committee. However, the Department of Environmental Protection and Resource Management (DEPRM) noted that development of the site must comply with the regulations for the protection of water quality, streams, wetlands, and floodplains, (Sections 14-331 through 14-350 of the Baltimore County Code) and with the Forest Conservation Regulations (Sections 14-401 through 14-422 of the Baltimore County Code). In that no new development or building is proposed, compliance with these regulations is not necessary at this time. However, the relief granted will be conditioned by the requirement that any redevelopment on the site will require compliance with current standards and regulations.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons set forth above, the relief requested shall be granted.

THEREFORE IT IS ORDERED by the Zoning Commissioner for Baltimore County this 18th day of June, 1996 that the Petition for Variance in

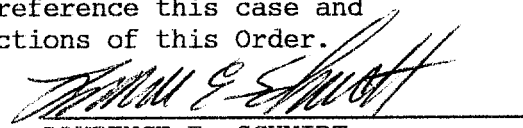
Case No. 96-420-A seeking relief from Section 255.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) (Sections 243.1 and 243.2) to permit side setbacks of 5 feet in lieu of the required 50 feet and to permit varying front setbacks of as little as 50 feet in lieu of the required 75 feet, for the existing structure on the property known as 7801 Pulaski Highway, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance in Case No. 96-421-A seeking relief from Section 255.2 of the Baltimore County Zoning Regulations (B.C.Z.R.) (Sections 243.1 and 243.2) to permit side setbacks of 5 feet in lieu of the required 50 feet, to permit varying front setbacks of as little as 50 feet in lieu of the required 75 feet, and to permit varying side setbacks of as little as 40 feet in lieu of the required 50 feet for the existing structure at 7803 Pulaski Highway, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

1) The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

2) The relief granted herein is conditioned upon the requirement that any redevelopment on either of the subject properties must comply with the regulations set forth in the Baltimore County Code for the protection of water quality, streams, wetlands, and floodplains, (Sections 14-331 through 14-350) and with the Forest Conservation Regulations (Sections 14-401 through 14-422).

3) When applying for any permits, the site plan and/or landscaping plan filed must reference this case and set forth and address the restrictions of this Order.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING
Date _____
By _____

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

June 18, 1996

Mr. & Mrs. Robert Bench
14 Nassau Court
Somerville, New Jersey 08876

RE: PETITIONS FOR VARIANCE
SE/S Pulaski Highway, 250' and 50' W of the c/l of Rosedale Avenue
(7801 & 7803 Pulaski Highway)
15th Election District - 7th Councilmanic District
Robert Bench, et ux - Petitioners
Case Nos. 96-420-A & 96-421-A

Dear Mr. & Mrs. Bench:

Enclosed please find a copy of the decision rendered in the above-captioned matters. The Petitions for Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Lawrence E. Schmidt".

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. Timothy W. Wolfe, Spotts, Stevens and McCoy, Inc.
555 Fairmount Avenue, Suite 230, Towson, Md. 21286-5497

People's Counsel

File

MICROFILMED





Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at 7801 Pulaski Highway (Lot 1)

96-420-A

which is presently zoned

ML-CS-1*

* Zoning considered for variance

ML-IM;MH-IM

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

- 255.2 (243.1 & 243.2) - To permit 5' side setback in lieu of required 50'
 - To vary front setback from required 75' to 50' to legalize non-conforming use.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

Practical Difficulty:

Adherence to the side setback of 50' along the line of division would prevent the usage and requires the elimination of a portion of the existing buildings.

The proposed variance would not impact adjacent properties since variance along interior lot line. Thus, the variance would be in spirit and harmony

of the zoning regulations.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City State Zipcode

Attorney for Petitioner:

(Type or Print Name)

Signature

Address Phone No.

City State Zipcode

We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

X Robert BENOY
(Type or Print Name)

X Carol Bench
Signature

CAROLY BENCH
(Type or Print Name)

Carol Bench
Signature

X 14 NASSAU CT 908 722-7462
Address Phone No.

X SOMERVILLE N.J. 08876
City State Zipcode

Name, Address and phone number of representative to be contacted.

Timothy W. Wolfe, PE

Name

SSM Inc.; 555 Fairbunt Ave., #230,

Address Towson, MD 21286 Phone No. (410) 494-0500

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates Next Two Months

ALL OTHER

REVIEWED BY: DATE 4/26/96

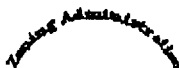
set w/ # 419

TOTAL P.07



Printed with Soybean Ink on Recycled Paper

MICROFILMED



Description of 1.282 Acres of Land, more or less

Lot 1

7801 Pulaski Highway

Part of The Lands of

Robert, Sr. & Carolyn Bench

15 th Election District, Baltimore County, Maryland

March 22, 1996

96-420-A

BEGINNING FOR THE SAME at a point along the southeasternmost right-of-way line of U.S. Route 40, a.k.a. Pulaski Highway, 150' wide right-of-way at this point, at the westernmost corner of the herein described parcel of land. Said beginning point being located the two (2) following courses and distances from the centerline intersection of the aforesaid Pulaski Highway with Rosedale Avenue Southeast (30' wide): A. South $58^{\circ} 54' 49''$ West 497.57 feet to a point, and B. South $31^{\circ} 05' 11''$ East 75.00 feet to the point of beginning;

Thence leaving said Beginning Point so fixed and binding with the said right-of-way of Pulaski Highway

1. North $58^{\circ} 54' 49''$ East 210.17 feet to a point;

Thence leaving Pulaski Highway and running for a new line of division through the lands of Robert, Sr. & Carolyn Bench

2. South $31^{\circ} 04' 33''$ East 308.19 feet to a point in Red House Run on the southernmost outline of the total tract of which the herein described parcel is a part;

Thence leaving Red House Run and binding with said outline the two following courses and distances:

3. South $67^{\circ} 13' 27''$ West 54.31 feet to a point, and
4. South $27^{\circ} 13' 27''$ West 94.88 feet to a point in the westernmost outline of the aforesaid total tract;

Thence with said outline

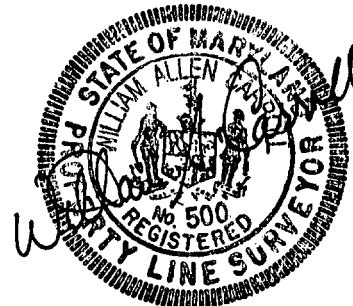
5. North $43^{\circ} 16' 33''$ West 358.25 feet to the Point and Place of Beginning.

Containing in all 1.282 Acres of land, more or less, as surveyed by Spotts, Stevens & McCoy, Inc. In February of 1996.

Being or intending to be a part of all of those lands conveyed to Robert Bench, Sr. and Carolyn Bench, husband and wife, from Martin Realty Company, Inc. A corporation of the State of Maryland, by deed dated August 15, 1985 and recorded among the Land Records of Baltimore County, Maryland in Liber 6976 Folio 616.

418

MICROFILMED



NOTICE OF HEARING

The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case #88-423-A
(Item #19)

7081 Patuxent Highway
SES-Pleasant Heights, 350' W
of Old Courthouse

158 Easton Road
7th Courthouse

Legal Counsel:
Robert Smith and Carolyn
Bent

Variance: to permit 5 foot
side setback in lieu of required
50 feet; and to vary front set-
back from required 75 feet to
50 feet to legalize non-
conforming use.

Hearing: Tuesday, June 4,
1996 at 2:00 p.m. in Rm. 118,
Old Courthouse.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are
Handicapped Accessible for
special accommodations
Please Call 887-3353.

(2) For information concern-
ing the file and/or hearing,
Please Call 887-3391.

5/11 May 9 03:59:4

CERTIFICATE OF PUBLICATION

TOWSON, MD., 5/9, 1996

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 5/9, 1996.

THE JEFFERSONIAN,

A. H. Lewis
LEGAL AD. TOWSON

UNRECORDED

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY 96-1490-A
Towson, Maryland

District 13th Date of Posting 3/18/96

Posted for: Verence

Petitioner: Robert & Corolyn B. Fox

Location of property: 7801 Polaris Hwy.

Location of Sign: Facing Roadway on property being zoned

Remarks: _____

Posted by: M. Kelly Date of return: 3/24/96
Signature

Number of Signs: 1

MICROFILMED

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCIAL - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

No.

96-420-A

DATE 4/26/96 ACCOUNT 91-615

By: 2006 TS
418

AMOUNT \$ 285.00

RECEIVED
FROM:

Beach - 7801 Alaska Highway

020 - Comm. Van - \$ 250.00
030 - 1500 - \$ 35.00
\$ 285.00

FOR:

VALIDATION OR SIGNATURE OF CASHIER

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

UNRECORDED



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 418 Petitioner: 7801 Pulaski Highway ←
Location: Robert Bench ↘

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Robert Bench Timothy W. Wolfe
ADDRESS: 14 Nassau 555 Fairmount Ave
Towson, MD. 21286
PHONE NUMBER: (410) 494-0500

MACROFILMED



TO: PUTUXENT PUBLISHING COMPANY
Issue - Jeffersonian

Please forward billing to:

Timothy W. Wolfe
555 Fairmount Avenue
Towson, MD 21286
494-0500

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-420-A (Item 418)
7801 Pulaski Highway
SE/S Pulaski Highway, 250' W of c/l Rosedale Avenue
15th Election District - 7th Councilmanic
Legal Owner(s): Robert Bench and Carolyn Bench

Variance to permit 5 foot side setback in lieu of required 50 feet; and to vary front setback from required 75 feet to 50 feet to legalize non-conforming use.

HEARING: TUESDAY, JUNE 4, 1996 at 2:00 p.m. in Room 118, Old Courthouse.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

MICROFILMED



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

May 3, 1996

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-420-A (Item 418)
7801 Pulaski Highway
SE/S Pulaski Highway, 250' W of c/l Rosedale Avenue
15th Election District - 7th Councilmanic
Legal Owner(s): Robert Bench and Carolyn Bench

Variance to permit 5 foot side setback in lieu of required 50 feet; and to vary front setback from required 75 feet to 50 feet to legalize non-conforming use.

HEARING: TUESDAY, JUNE 4, 1996 at 2:00 p.m. in Room 118, Old Courthouse.

A handwritten signature in cursive script, reading "Arnold Jablon".

Arnold Jablon
Director

cc: Robert and Carolyn Bench
Timothy W. Wolfe

- NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

MICROFILMED



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

May 30, 1996

Mr. and Mrs. Robert Bench
14 Nassau Point
Somerville, N.J. 08876

RE: Item No.: 418
Case No.: 96-420-A
Petitioner: R. Bench

Dear Mr. Bench:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on April 26, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.
W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)

MICROFILMED



10

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Permits and Development
Management

DATE: May 2, 1996

FROM: Pat Keller, Director
Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item Nos. 410-416 and 418-420 and 421 *9W-2*

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3495.

Prepared by:

Jeffrey W. Long

Division Chief:

Gay L. Kerns

PK/JL

MICROFILMED

Baltimore County Government
Fire Department



700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410) 887-4880

DATE: 04/16/96

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF MAY 06, 1996.

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 410, 411, 413, 414, 415, 416,
417, 418, 419, 420, 421 AND 422.

1996

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management
May 16, 1996

FROM: Patricia M. Farr *PMF/MS*
DEPRM

SUBJECT: Zoning Item #418 - Bench Property
7801 Pulaski Highway
Zoning Advisory Committee Meeting of May 6, 1996

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains (Sections 14-331 through 14-350 of the Baltimore County Code).

Development of this property must comply with the Forest Conservation Regulations (Sections 14-401 through 14-422 of the Baltimore County Code).

PMF:KK:sp

BENCH2/DEPRM/TXTSBP

MICROFILMED

PETITION PROBLEMS

#410 --- RT

1. Notary section is incomplete/incorrect.

#412 --- JJS

1. No title for person signing for legal owner.

#415 --- MJK

1. Is a violation - should not be filed as "administrative".

#416 --- JLL

1. No telephone number for legal owner.
2. No councilmanic district on folder.

#418 --- MJK

1. No original signatures on petition form.

#419 --- MJK

1. No original signatures on petition form.

#420 --- JJS

1. No review information on bottom of petition form.

#422 --- MJK

1. Need title of person signing for legal owner.
2. Need authorization for person signing for legal owner.
3. Need telephone number for legal owner.
4. Need attorney's signature.

MICROFILMED

April 30, 1996

RE: PETITION FOR VARIANCE
7801 Pulaski Highway, SE/S Pulaski Hwy.,
250' W of c/l Rosedale Avenue, 15th
Election District, 7th Councilmanic

Robert and Carolyn Bench
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 96-420-A

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 6th day of June, 1996, a copy of the foregoing Entry of Appearance was mailed to Timothy W. Wolfe, PE, SSM, Inc., 555 Fairmount Avenue, #230, Towson, MD 21286, representative for Petitioners.

Peter Max Zimmerman

PETER MAX ZIMMERMAN

MICROFILMED

W. CEM. CORP.

BL

MLR

ROSEDALE

ML

POOL

BR-CS-1

SHIRLEY

ML

ML-CS-1

BR-CS-1

Lot 1
P.O.B.
N 6811.67
E 27886.86

ML-1M

MH-1M

BM

ML-1M

MH-1M

MICROFILMED

REDHOUSE

D.R. 5.5

RAILR

NE 2E

Scale: 1" = 200'

#418

E28.5

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
SW/8 Volz Avenue, 190 ft. +/- * ZONING COMMISSIONER
SE of Eastern Avenue * OF BALTIMORE COUNTY
8 Volz Avenue * Case No. 96-419-A
15th Election District *
5th Councilmanic District *
Richard David Volz *
Petitioner *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for the property located at 8 Volz Avenue in eastern Baltimore County. The Petition is filed by Richard David Volz, property owner. Variance relief is requested from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (BCZR) to allow a side yard setback of 5 ft. and a rear yard setback of 21 ft., for a proposed dwelling, in lieu of the minimum required 10 ft. and 50 ft., respectively. The subject property and requested relief is more particularly shown on Petitioner's Exhibit No. 1, the plat to accompany the Petition for Variance.

Appearing at the public hearing held for this case was Richard David Volz, property owner. There were no Protestants or other interested persons present.

An examination of the site plan shows that the subject property is a rectangularly shaped parcel, zoned B.L.-C.N.S. The property is located near Eastern Avenue and Martin Boulevard in eastern Baltimore County. The property is .12 acres in area. Presently the site is improved with an existing dwelling which is dilapidated and will be razed. Mr. Volz testified that the property has been in family's ownership for many years. He wishes to raze the existing dwelling and construct a new dwelling in its place. The proposed dwelling is 24 ft. in width and 40 ft. in depth.

In view of the irregular shape of the lot, the requested variances are necessary. As shown on the site plan, a 5 ft. side yard setback will

be maintained. This portion of the lot abuts property owned by the Baltimore Gas and Electric Company and utilized as a sub-station. Mr. Volz indicated that there was an additional 30 ft. of buffer area between that use and the property line.

To the rear, the property owner will maintain a 21 ft. setback. As is the case with the side yard setback, this variance is necessary because of the irregular shape of the property and the tapered property line.

Based upon the testimony and evidence offered, all of which is uncontradicted, I am persuaded to grant the Petition for Variance. In my judgment, the Petitioner has complied with the provisions of Section 307 of the B.C.Z.R. as construed by the case law. I am convinced that the unique shape of the property renders the relief appropriate and that strict compliance with the regulations would result in a practical difficulty upon the property owner. Moreover, the relief can be granted without detriment to the surrounding locale.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 12th day of June, 1996 that a variance from Section 1802.3.C.1 of the Baltimore County Zoning Regulations (BCZR) to allow a side yard setback of 5 ft. and a rear yard setback of 21 ft., for a proposed dwelling, in lieu of the minimum required 10 ft. and 50 ft., respectively, be and is hereby GRANTED, subject, however, to the following restriction:

1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever

-2-

reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

Lawrence E. Schmidt
Zoning Commissioner
for Baltimore County

LES:mmm

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

June 6, 1996

Mr. David Volz
306 Fairwind Drive
Baltimore, Maryland 21220

RE: Case No. 96-419-A
Petition for Zoning Variance
Property: 8 Volz Avenue

Dear Mr. Volz:

Enclosed please find the decision rendered in the above captioned case. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3353.

Very truly yours,

Lawrence E. Schmidt
Zoning Commissioner

LES:mmm
att.

ORDER RECEIVED FOR FILING
Date 6/13/96
By M. J. Pratt

ORDER RECEIVED FOR FILING
Date 6/13/96
By M. J. Pratt

6/13/96
M. J. Pratt

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland

District 12th Date of Posting 6/12/96
Posted for: Variance
Petitioner: Richard Volz
Location of property: 8 Volz Ave.
Location of Sign: 306 Fairwind Dr. on property line
Remarks:
Posted by: M. J. Pratt Date of return: 6/14/96
Number of Signs: 1

FRANK S. LEE

Registered Land Surveyor

1277 NEIGHBORS AVE. - BALTIMORE, MD. 21237

March 15, 1996

No. 8 Volz Avenue
15th District Baltimore County, Maryland

Beginning for the same on the southwest side of Volz Avenue (30 feet wide) at the distance of 190 feet measured southeasterly along the southwest side thereof from the southeast side of Eastern Avenue, thence running and binding on the southeast side of Volz Avenue South 40 degrees 16 minutes 30 seconds East 58.98 feet, thence running for three lines of division as follows: South 64 degrees 31 minutes 30 seconds West 124.18 feet, North 49 degrees 16 minutes 30 seconds West 27.03 feet and North 49 degrees 43 minutes 30 seconds East 120 feet to the place of beginning.

Containing 0.12 acres of land more or less.



CERTIFICATE OF PUBLICATION

TOWSON, MD., 5/19, 1996

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 5/19, 1996.

THE JEFFERSONIAN,

A. Henrichson
LEGAL COUNSEL

NOTICE OF RECORDING
This document is a notice of recording of a deed, mortgage, or other instrument in the public records of Baltimore County, Maryland. It is subject to the provisions of the Maryland Recording Act, which requires that such instruments be recorded in the public records to be valid against third parties. This notice is being published in the Towson Edition of The Baltimore Sun, a newspaper of general circulation in Baltimore County, Maryland, for the purpose of giving notice to the public of the recording of this instrument. The recording of this instrument is required by law, and failure to record it may result in the instrument being void against third parties. The recording of this instrument is required by law, and failure to record it may result in the instrument being void against third parties. The recording of this instrument is required by law, and failure to record it may result in the instrument being void against third parties.

Petition for Variance
to the Zoning Commissioner of Baltimore County

for the property located at 8 VOLZ AVE.
96-419-A which is presently zoned B.L.-C.N.S.

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1802.3.C.1

To allow a side yard setback of 5 ft. and a rear yard setback of 21 ft. (for a proposed dwelling) in lieu of the minimum required 10 ft. and 50 ft., respectively.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)
PROPERTY CANNOT BE BUILT ON UNDER CURRENT SETBACK RESTRICTIONS - CURRENT HOME IS UNINHABITABLE - IS TO BE TORN DOWN & REPLACED.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Correct Petitioner/Owner:

(Type or Print Name)

Signature

Address

City State Zipcode

Attorney for Petitioner

(Type or Print Name)

Signature

Address

City State Zipcode

I, the undersigned, declare and affirm, under the penalties of perjury, that I am the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

RICHARD DAVID VOLZ

(Type or Print Name)

Signature

(Type or Print Name)

Signature

306 Fairwind Dr. 780-0999 (work)

Address Phone No.

BALTO. MD. 21220

Name, Address and phone number or representative to be contacted.

Name

Address Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

Indicate the date

Next Two Months

ALL OTHER DATE

REVIEWED BY DATE

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Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
 - 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.
- NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

Carl J. Jolson
ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 420

Petitioner:

Location:

PLEASE FORWARD ADVERTISING BILL TO:

NAME: *Richard D. Volz*

ADDRESS: *306 Farward Drive*

Baltimore MD 21204

PHONE NUMBER: *877-4661*

Set 1/96

TO: PETITION PUBLISHING COMPANY
May 3, 1996 Issue - Jeffersonian

Please forward billing to:

Richard Volz
306 Farward Drive
Baltimore, MD 21204
574-4661

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-419-A (Item 420)

8 Volz Avenue
34/5 Volz Avenue, 190' +/- SE of Eastern Avenue
15th Election District - 5th Councilmanic
Legal Owner(s): Richard David Volz

Variance to allow a side yard setback of 21 feet (for a proposed dwelling) in lieu of the minimum required 10 feet and 50 feet, respectively.

HEARING: TUESDAY, JUNE 4, 1996 at 11:00 a.m. in Room 118, Old Courthouse.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

May 3, 1996

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

or
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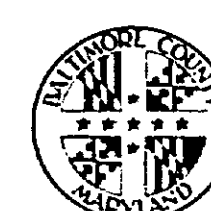
HEARING: TUESDAY, JUNE 4, 1996 at 11:00 a.m. in Room 118, Old Courthouse.

Carl J. Jolson
ARNOLD JABLON
Director

cc: Richard David Volz

- NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

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on Recycled Paper



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

May 30, 1996

Mr. Richard David Volz
306 Farward Drive
Baltimore, MD 21220

RE: Item No.: 420
Case No.: 96-419-A
Petitioner: R. D. Volz

Dear Mr. Volz:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on April 26, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.
W. Carl Richards, Jr.
Zoning Supervisor

MCR/re
Attachment(s)

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on Recycled Paper

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: PDM
FROM: R. Bruce Seeley
Permits and Development Review
DEPRM
SUBJECT: Zoning Advisory Committee
Meeting Date: *May 4, 1996*

DATE: *5-15-96*

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee items:

Item #'s: *410*
411
412
413
414
415
416
417

420
421
422

RBS:sp
BRUCE2/DEPRM/TXTS8P

5 1996

Baltimore County Government
Fire Department

700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410) 887-4890

DATE: 06/16/96

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF MAY 06, 1996.

Item No.: SEE BELOW Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

B. The Fire Marshal's Office has no comments at this time.
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 410, 411, 413, 414, 415, 416, 417, 418, 419, 420, 421 AND 422.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

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on Recycled Paper



Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Hal Kassoff
Administrator

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. *420 (JJS)*

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-545-5581 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

for Bob Small
Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

My telephone number is _____
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Permits and Development
Management

DATE: May 2, 1996

FROM: Pat Keller, Director
Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item Nos. 410-416 and 418-420 *and 421 9W-2*

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3495.

Prepared by: *Jeffrey W. Long*

Division Chief: *Carol L. Keller*

PK/JL

ITEM 410A/PZOR/ZAC1

#410 --- RT

#412 --- JJS

- #415 --- MJK

- #416 --- JLL

- #418 --- MJK

- #419 --- MJK

- #420 --- JJS

- #422 --- MJK

2. Need
3. Need

- April 30, 1996

ENTRY OF APPEARANCE

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

DATE OF SERVICE

s 1 day of June, 1991

was mailed to Richard Day

20, Petitioner.

CERTIFICATE OF SERVICE

PETER MAX ZIMMERMAN



(VARIANCE PETITION)

426

~~FRANK S. LEBIE~~
~~1277 NEIGHBORS AVE.~~
~~BALTIMORE, MD. 21237~~

~~FRANK S. WHITE~~

1277 NEIGHBORS AVE
BALTIMORE MD 21237

